

REMARKS

Claims 1-15, 17-19, 22-24, and 28 are pending in the present application. Claims 16, 20-21, and 25-27 have been cancelled in a previous amendment. In this Response, claim 1 has been amended to ensure that 35 USC 112 second paragraph is met.

The Office has made final the rejection of claims 1-15, 17-19, 22-24, and 28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0018660 to Sehr (“Sehr”).

In view of the following remarks, the undersigned respectfully requests reconsideration of the rejection.

Rejection of Claims 1-15, 17-19, 22-24, and 28 Under 35 U.S.C. § 102(e)

Initially, the undersigned notes that the Final Office Action fails to fully address the response filed June 22, 2005 with respect to independent claims 22 and 28. Notably, the Office does not address the amendment to independent claim 28. Accordingly, in addition to the new arguments presented herein, the undersigned respectfully requests consideration of the previously presented arguments which are set forth again below.

In the Final Office Action, the Office recites the claim language from claim 1 “adding the second user’s payment information to the payment instructions; routing the payment information and the payment instructions to an issuer utilizing the network address instructions” and references “p. 7-8, 63 and p. 15, 105 – information is added in order for funds to be transferred to the account” of Sehr as disclosing this claim language. The undersigned assumes that the Office is referencing paragraphs 0063 and 0105 of Sehr. These paragraphs are set forth below:

[0063] To solve the issue of having the visitor pass money or to leave the seat for providing payment to the vendor, which is pretty annoying for other visitors who are watching the sporting event, the invention provides an alternative solution: the use of a multi-directional data communication link containing means for coupling to the visitor card from every seat and for communicating with the portable terminal throughout the stadium; as well as means for inputting, displaying, and approving a particular payment amount. This data link can be implemented via wireless means, such as a cellular telephony system technology, or installed under all seats

(e.g. benches or chairs) containing means for inserting the visitor card from every seat. In the former case, the portable terminal can communicate directly with the visitor card. In the latter case, the communication link is also accessible at the end of every row, so that mobile vendors can connect their portable terminals thereto to communicate with the visitor cards accordingly. The visitor can select a particular item, approve the appropriate payment, and forward the payment data to the mobile vendor via the visitor card or perform those functions via a panel installed at the seat. This panel comprises the input/output means allowing to display and select a particular item, enter payment amounts, and forward the purchase request onto the communication link. When the visitor card and/or panel forwards a purchase request onto the communication link, an appropriate electronic signature will be included into the request. This signature identifies the particular seat or visitor requesting a specific item, as well as the payment provided. In response to the purchase request, the portable terminal will compile and return onto the data communication link an electronic receipt that confirms receipt of the payment while representing the vendor's commitment to deliver that particular item. The electronic receipt and signature will be stored in the portable terminal and visitor card as a "who paid--how much--for what--at what time" proof. This proof comes in handy when disputes arise, including when visitors exchange electronic money, payment points, or any other entitlement between each other by using a card-to-card transfer means. The mobile vendor can now hand that item to the visitor, as well as print-out a label, which shows the seat assignment the item should be delivered to, and affix the label to the purchased item. At the same time, the mobile vendor can also forward the electronic payment received from the visitors to the merchant database or financial institution, as well as to the event organizer underwriting the payment points. To make sure that the electronic money or points will be deposited only to the vendor's account, the vendor can attach a security key to the forwarded payment information. In this way, the electronic payment can be unlocked and used only by the legitimate vendor providing the correct security key.

[0105] Once forwarded via the visitor card, the monetary value can be credited to the service provider's account. If the card-based value represents traditional money, the network transaction processors will clear the payment, so that the financial institution can reimburse the provider accordingly. If electronic payment points were used for the purchase, the points will be forwarded to the non-financial institution who then reimburses the provider. In both cases, the service providers will be reimbursed with traditional money for purchases made via the card. The providers can also keep and re-use the received payments as digital cash. When uploading the electronic payment amounts for clearance, the service providers can also earmark the payments with a security key, so that

proper identification and ownership is established with respect to the transferred funds. In this way, the cleared payment amounts can be deposited only to the providers' account.

The undersigned has reviewed these paragraphs and fails to see where the claim language is disclosed. The only addition to the visitor's electronic payment information described in the cited paragraphs is a security key – not the vendor's payment information. Further, the claim language recites “routing the payment information and the payment instructions to an issuer... .” (Emphasis added). Importantly, Sehr does not disclose routing any payment information or instructions to the issuer of the visitor card. In Sehr, the issuer of the visitor card and the entities who receive the payment information and instructions are not the same. (See at least FIG. 1 and paragraphs [0027] and [0028], wherein it is clear that the Admission Center (2) for “automated issuance of visitor cards” is distinctly different from Service Providers (3) such as “a bank or financial institution that stores an electronic monetary value or other electronic payment means in the card, a credit reporting firm that verifies and guarantees the credit worthiness of the cardholder, a transaction processor that clears and credits the electronic payments made via the card, or a certification center that authenticates cardholders and card data.”) For at least these reasons, the undersigned submits that Sehr does not anticipate claim 1 or the claims dependent thereon.

As argued in the undersigned's previous response, Sehr does not disclose each and every element of claim 22. More specifically, Sehr does not disclose “storing the payment information from the programmable memory device in a memory portion of the terminal for future processing of the financial transaction,” as recited in claim 22. The Office fails to provide a citation to Sehr where this element is disclosed. In fact, the Office has not provided, with any specificity, a citation or disclosure of any element recited in claim 22, or its dependent claims. Sehr discloses a “Card Read/Write Device.” However, this Card Read/Write Device does not “stor[e] the payment information from the programmable memory device in a memory portion of the terminal for future processing of the financial transaction.” Paragraph [0036] of Sehr discloses:

The Card Read/Write Device (12) can read the visitor card's contents as well as write information into the card; this read/write information can also be displayed onto the card reader. The card data can further be

displayed and manipulated within the visitor card or on the monitor of a computer terminal. The visitor card can communicate, via such a read/write module, with the other system components including equipment that captures card data relating to text, graphics, audio or video information. This module can be a stand alone device, incorporated into computer terminals via appropriate plug-in boards, or implemented by the visitor card via appropriate input/output ports.

The Card Read/Write Device of Sehr does not store payment information from the programmable memory device. *See also* paras. [0100] and [0136]. Further, the Card Read/Write Device of Sehr does not disclose storing any type of data for future processing of a financial transaction. In fact, nowhere in the entire disclosure of Sehr is a disclosure of storing for the purpose of future processing.

Additionally, Sehr does not disclose “uploading the payment information to the issuer of the programmable memory device for further processing and settlement of the financial transaction... .” (emphasis added). As discussed above with respect to claim 1, In Sehr, the issuer of the visitor card and the entities who receive, process and settle the payment information are not the same. (*See* at least FIG. 1 and paragraphs [0027] and [0028]). Accordingly, Sehr does not disclose each and every element of claim 22. The undersigned representative requests that the Office withdraw the rejection of claim 22 and claims 23 and 24.

Further, Sehr does not disclose each and every element of claim 28, as previously amended. As set forth in the previous response, claim 28 was amended to further recite “a programmable memory device issued to a second user for storing information related to the financial transaction.” This amendment finds support in the originally filed specification on page 18, line 17 – page 19, line 2. Sehr does not disclose a vendor, merchant, or other party besides a visitor having a visitor card (11). “The Electronic Visitor Card (11) is the portable card used by the visitors when attending an event or buying goods and services.” *See, e.g.*, para. [0056]. Sehr does not disclose a second user having a programmable memory device and, therefore, does not disclose each and every element of claim 28. The undersigned representative respectfully requests that the Office withdraw the rejection of claim 28.

CONCLUSION

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account No. 501458.

Respectfully submitted,

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